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**RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

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10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN FRANCISCO DIVISION
13

14 THE REGENTS OF THE UNIVERSITY OF
CALIFORNIA, ABBOTT MOLECULAR INC.,
15 and ABBOTT LABORATORIES INC.,

16 Plaintiffs,

17 v.

18 DAKOCYTOMATION CALIFORNIA, INC.

19 Defendant.
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CASE NO. C 05-3955 MHP

**STIPULATED CONTINUANCE OF
HEARING ON PLAINTIFFS' MOTION
FOR PRELIMINARY INJUNCTION**

Pursuant to Civil L.R. 6-2(a), Defendant DakoCytomation California, Inc. ("DakoCytomation") and Plaintiffs The Regents of the University of California, Abbott Molecular Inc., and Abbott Laboratories Inc. ("Plaintiffs"), through their respective counsel, stipulate that the hearing on Plaintiffs' Motion for Preliminary Injunction be continued to December 5, 2005, at 2:00 p.m. The parties further stipulate that the dates for service and filing of (1) DakoCytomation's Opposition be extended to and including November 14, 2005, and (2) Plaintiffs' Reply be extended to and including November 23, 2005.

A declaration of Richard J. Smith accompanies this stipulation.

This stipulated continuance shall not be used as evidence of delay.

DakoCytomation and Plaintiffs believe at this time that there will be no further need for a continuance or extension with respect to the dates implicated by Plaintiffs' Motion for a Preliminary Injunction; however, if an event or circumstance arises after the filing of this stipulation that necessitates a further continuance or extension, this stipulation shall be without prejudice to a party's right to seek a further continuance or extension.

STIPULATED AND AGREED TO BY:

Dated: October 28, 2005

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

By: _____ /s/
Richard J. Smith
Tina E. Hulse
Attorneys for Defendant DAKOCYTOMATION
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